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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY



Building The
Wireless Future™

CTIA

Cellular
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June 6, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Re: Ex Parte Filing
GEN Docket No. 90-314
Personal Communications Services

Dear Mr. Caton:

On Monday, June 6, 1994, in response to a request from Mr. Byron F. Marchant, Legal Assistant to Commissioner Andrew Barrett, the Cellular Telecommunications Industry Association ("CTIA") provided copies of the attached analyses of the Commission's attribution and overlap rules, and their impact on cellular carriers at both the Major Trading (MTA) and Basic Trading Area (BTA) levels, to the following Commission staff:

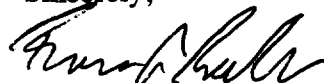
Chairman Reed Hundt
Commissioner Andrew Barrett
Commissioner James Quello
Commissioner Susan Ness
Commissioner Rachelle Chong
Mr. Ralph Haller
Dr. Robert Pepper
Mr. Jim Casserly

Ms. Karen Brinkmann
Mr. Byron Marchant
Mr. Rudy Baca
Ms. Jane Mago
Ms. Roz Allen
Mr. Greg Rosston
Mr. Donald Gips
Mr. Greg Vogt

Pursuant to Sections 1.1206(a)(3) (non-restricted proceeding, presentation disclosure), 1.1204(b)(7) (exemption from prohibition), and 1.1203(a)-(b) (sunshine period prohibition) of the Commission's rules, an original and one copy of the above-referenced items are being filed with the Secretary's office.

If there are any questions in this regard, please contact the undersigned.

Sincerely,


Robert F. Roche

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June 6, 1994

Mr. Byron F. Marchant
Senior Legal Advisor to
Commissioner Barrett
Federal Communications Commission
1919 M Street, N.W. Room 826
Washington, D.C. 20554

RE: Ex Parte Filing
GEN Docket No. 90-314
Personal Communications Services

Dear Mr. Marchant:

Pursuant to your request, the attached matrix indicating Major Trading Area (MTA) and Basic Trading Area (BTA) conflicts has been revised to demonstrate the restrictions experienced by cellular companies *based on the attribution and overlap rules adopted by the Commission's Second Report and Order* in GEN Docket No. 90-314.

Background on Exclusions and Partnerships

The companies listed within the matrix are those licensees explicitly impacted on an MTA basis by the overlap rules specified by that Order. The actual impact of the Order, both on an MTA basis and a BTA basis, is much broader than is indicated by the attached matrix, since the rule applies equally to investors holding a 20 percent equity interest in a licensee. Unfortunately, time did not allow for demonstration of such investor or partner conflicts.

Thus, for example, while we can note that the wireline cellular license in the New York MSA is held by a partnership, in which NYNEX holds 54.0 percent, Bell Atlantic holds 26 percent, and Sprint Cellular ten percent -- we cannot note the full extent of such partnerships throughout the New York MTA.

Likewise, we can note that the non-wireline cellular license in the Los Angeles MSA is held by a partnership of BellSouth (with 60.03 percent) and LIN Broadcasting (39.97 percent), and the wireline cellular license in the Los Angeles MSA is held by a partnership of AirTouch (82.3 percent), Contel (11.2 percent), U.S. Cellular (5.5 percent) and GTE Mobilnet (1.0 percent). But we cannot note the full extent of similar partnerships throughout the Los Angeles MTA.

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Additional BTA Conflicts

As noted in our previous submission of June 1, while the above matrix demonstrates the BTA conflicts of the companies restricted by the application of the rules on an MTA basis, the even more extensive impact of BTA conflicts is not indicated in that matrix. The tables and text which follow the MTA matrix indicate some of those further conflicts.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert F. Roche

Director for Research

Attachments

Revised Overlap Matrix for MTA-Barred Companies
(based on the FCC's 2nd Report and Order, GEN No. 90-314)

MTA	Number of BTAs in MTA	Number of Carriers Barred in MTA	Identities	Number of BTAs in Which Barred by 10% Rule	Number of BTAs in Which Barred by 20% Rule	Number of BTAs in Which Barred by 30% Rule	Number of BTAs in Which Barred by 40% Rule	MTA Eligibility Under Higher Cap?
Atlanta	14	5	Alltel BellSouth Palmer AirTouch GTE/Contel	3 7 4 3 4	3 7 4 3 4	3 7 4 3 4	3 7 4 3 3	Yes - 20% No Yes - 20% No Yes - 20%
Birmingham	10	4/5 (including licenses designated for hearing)	BellSouth GTE/Contel Crowley Palmer Designated for hearing	5 5 2 2 4	5 5 2 2 3	5 5 2 2 1	5 5 2 2 1	No No Yes - 20% Yes - 20% Yes - 20%
Boston	14	4	NYNEX SWB BAM U.S. Cellular	5 3 3 7	5 3 3 7	5 3 3 7	5 3 3 7	No No Yes - 30% Yes - 20%
Buffalo	4	5/6 (including McCaw partnership with Assoc.)	Ass./SWB NYNEX DICONN Contel Rochester McCaw	2 1 2 2 1 1	2 1 2 2 1 1	2 1 2 2 1 1	2 1 2 2 1 1	No No Yes - 20% No No No
Chicago	18	2	SWB Ameritech	8 9	8 9	7 9	7 9	No No

Note: Eligibility for MTA-wide licenses was considered under various thresholds *within the confines of CTIA's proposal* (i.e., with a 40 percent pop cap). The last column indicates eligibility at various thresholds below that cap.

Revised Overlap Matrix for MTA-Barred Companies
(based on the FCC's 2nd Report and Order, GEN No. 90-314)

MTA	Number of BTAs in MTA	Number of Carriers Barred in MTA	Identities	Number of BTAs in Which Barred by 10% Rule	Number of BTAs in Which Barred by 20% Rule	Number of BTAs in Which Barred by 30% Rule	Number of BTAs in Which Barred by 40% Rule	MTA Eligibility Under Higher Cap?
Des Moines	13	6	U.S. Cellular Sprint C-TEC GTE/Contel U S WEST Cellular Inc.	9 5 7 5 1 6	9 5 4 3 2 4	9 5 4 3 1 2	9 4 4 2 1 2	No Yes - 30% Yes - 20% Yes - 20% Yes - 20% Yes - 20%
Los Angeles	7	3/4 (including the McCaw share of the L.A. Cellular Partnership)	BellSouth AirTouch U S WEST McCaw (via L.A. Cellular Partnership)	2 2 1 3 (including L.A. Cellular Partnership)	2 2 1 3	2 2 1 3	2 2 1 3	No No Yes - 20 % No (based on L.A. Cellular)
New York	20	4	NYNEX BAM SNET LIN/McCaw	7 4 3 1	7 4 3 1	7 4 3 1	7 4 3 1	No Yes - 20% Yes - 20% No
Wash./Balt.	9	2	SWB BAM	8 4	5 4	4 4	4 4	No No

Note: Eligibility for MTA-wide licenses was considered under various thresholds *within the confines of CTIA's proposal* (i.e., with a 40 percent pop cap). The last column indicates eligibility at various thresholds below that cap.

Atlanta BTA Conflicts

Within the 14 BTAs that make up the Atlanta MTA, there are 39 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, four would be opened up by raising the overlap cap to 20 percent. Another five opportunities would be opened up by raising the overlap cap to 30 percent. And a final two opportunities would be opened up by raising the cap to 40 percent -- for a total of 11 additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Mobile	Albany		25.0 percent	
Sterling	Macon Savannah		29.4 percent	34.9 percent
Cellular Plus	Macon		26.7 percent	
Cranford Cell.	Opelike		28.7 percent	
Signal	Savannah	19.6 percent		
Sprint	Savannah	19.6 percent		
Georgia RSA #8	Savannah	13.3 percent		
U.S.Cellular	Cleveland Savannah	15.1 percent	23.4 percent	
Mobile	Albany		25.0 percent	

Birmingham BTA Conflicts

Likewise, within the 10 BTAs that make up the Birmingham MTA, there are 32 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, four would be opened up by raising the overlap cap to 20 percent. Another five opportunities would be opened up by raising the overlap cap to 30 percent. And a final three opportunities would be opened up by raising the cap to 40 percent -- for a total of 12 additional BTA licensing opportunities. (The following table omits those licenses which have been designated for hearing -- although they are also subject to the overlap rule -- regardless of who obtains them.)

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Cranford Cell.	Anniston Birmingham	10.2 percent	28.0 percent	
ALGREG Cell.	Birmingham Florence	13.1 percent 15.8 percent		
Pro Max	Dothan Montgomery		22 percent	30.1 percent
S. Ala. Cell.	Dothan Montgomery		24.7 percent	30.1 percent
W. Ala. Cell.	Tuscaloosa			35.4 percent

Boston BTA Conflicts

Within the 14 BTAs that make up the Boston MTA, there are 36 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, two would be opened up by raising the overlap cap to 20 percent. Another opportunity would be opened up by raising the overlap cap to 30 percent. And another five opportunities would be opened up by raising the cap to 40 percent -- for a total of eight additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Sterling Cell.	Bangor		26.0 percent	
Contel Cell.	Keene Lebanon			36.0 percent 32.0 percent
Atlantic Cell.	Lewiston	16.0 percent		
Fair Oaks Cell.	Manchester			36.9 percent
Franklin Cell.	Springfield	10.5 percent		
W. Maine Cell.	Lewiston			36.9 percent
StarCellular	Portland			35.2 percent

Buffalo BTA Conflicts

Within the four BTAs that make up the Buffalo MTA, there are 13 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, none would be opened up by raising the overlap cap to 20 percent. Another two opportunities would be opened up by raising the overlap cap to 30 percent. And another three opportunities would be opened up by raising the cap to 40 percent -- for a total of five additional BTA licensing opportunities. The following table omits those licenses which have been designated for hearing -- although they are also subject to the overlap rule -- regardless of who obtains them.)

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Horizon Master	Jamestown		24.0 percent	
Sprint Cell.	Jamestown		24.0 percent	
Pinellas Comm.	Olean			36.0 percent
Bell Atl. Mobile	Olean			36.0 percent

Chicago BTA Conflicts

Within the 18 BTAs that make up the Chicago MTA, there are 53 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, four would be opened up by raising the overlap cap to 20 percent. Another eight opportunities would be opened up by raising the overlap cap to 30 percent. And another opportunity would be opened up by raising the cap to 40 percent -- for a total of 13 additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Sprint	Bloomington Fort Wayne		21.0 percent 20.0 percent	
Valley Cell.	Bloomington	18.0 percent		
W.K. Cellular	Danville		23.0 percent	
Indiana RSA #5	Danville		23.0 percent	
Cell. of Indiana	Decatur	13.0 percent		
First Cell. of So. Illinois	Decatur	13.0 percent		
U.S. Cellular	Elkhart Fort Wayne Rockford	13.0 percent	29.0 percent	31.0 percent
Century Cellunet	Elkhart		20.0 percent	
SWB	Kankakee		24.0 percent	
Illinois Valley Cellular	Kankakee		24.0 percent	
Ill. Indep. RSA #3	Peoria	17.0 percent		

Des Moines BTA Conflicts

Within the 13 BTAs that make up the Des Moines MTA, there are 51 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, 14 would be opened up by raising the overlap cap to 20 percent. Another nine opportunities would be opened up by raising the overlap cap to 30 percent. And another opportunity would be opened up by raising the cap to 40 percent -- for a total of 24 additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Illinois Indep. RSA # 3	Burlington		21.1 percent	
Iowa RSA 12 Part.	Dubuque Waterloo	10.4 percent	24.5 percent	
Iowa RSA 10	Des Moines	13.6 percent		
Excellence II	Sioux City		25.0 percent	
Iowa East Cell.	Cedar Rapids	14.6 percent		
Plus Cellular	Dubuque		27.6 percent	
C-TEC	Des Moines Cedar Rapids Davenport	13.8 percent 13.9 percent	24.5 percent	
Contel	Dubuque	12.5 percent		
ELLERON Cell.	Dubuque	10.4 percent		
Cellular Ventures	Sioux City Fort Dodge	11.2 percent 14.9 percent		
CommNet Cellular Inc.	Des Moines Fort Dodge Iowa City Ottumwe	11.4 percent 16.5 percent	28.6 percent 27.3 percent	
General Cell.	Sioux City	15.3 percent		

Los Angeles BTA Conflicts

Within the six BTAs that make up the Los Angeles MTA, there are 16 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, two would be opened up by raising the overlap cap to 20 percent.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Satellite Cell.	Las Vegas	10.7 percent		
Mohave Cell.	Las Vegas	10.7 percent		

New York BTA Conflicts

Within the 20 BTAs that make up the New York MTA, there are 46 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, five would be opened up by raising the overlap cap to 20 percent. One more opportunity would be opened up by raising the overlap cap to 30 percent. And another three opportunities would be opened up by raising the cap to 40 percent -- for a total of nine additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Sterling Cell.	Albany	10.4 percent		
FutureWave	Elmira	19.6 percent		
Americell	Elmira	12.8 percent		
New York RSA #4	Syracuse	16.4 percent		
Pegasus Cell.	Syracuse	16.4 percent		
DICOMM	Elmira			31.6 percent
Crowley	Elmira		29.9 percent	
Cellular One	Poughkeepsie			38.6 percent

Washington/Baltimore BTA Conflicts

Within the nine BTAs that make up the Washington/Baltimore York MTA, there are 28 conflicts between cellular carriers and PCS licensing opportunities under a 10 percent overlap rule. Of those opportunities, seven would be opened up by raising the overlap cap to 20 percent. Another two opportunities would be opened up by raising the overlap cap to 30 percent. And another two opportunities would be opened up by raising the cap to 40 percent -- for a total of 11 additional BTA licensing opportunities.

Company	BTA Names	Overlap 10-20	Overlap 20-30	Overlap 30-40
Contel Cell.	Charlottesville	11.5 percent		
SWB	Charlottesville Cumberland Hagerstown	17.7 percent 18.3 percent	23.2 percent	
Sprint	Hagerstown			36.1 percent
Bell. Atl. Mobile	Fredericksburg		26.7 percent	
CIS	Hagerstown			36.1 percent
Northern Communications	Cumberland	18.3 percent		